IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19574 of 1994

Between:

Kakarlapudi Bangarraju, S/o Sitaram Raju,
MANSAS I.T.I. College, Vizianagaram.

..... PETITIONER

AND

1. Tirumalaraju Appala Venkata Satya Sivaramabhadra Varma,

S/o Late Narasimha Raju,
R/o 6-3-131/A-1/63, Sri Krishna Nagar,
Yousufguda, Hyderabad.

2 Smt. T. Lakshmi, W/o T.A.V.S.S.R. Varma,
R/o 6-3-131/A-1/63, Sri Krishna Nagar,
Yousufguda, Hyderabad.

3 Smt. Lakshmi Devi, W/o Late Narsimha Raju,
R/o Budthanapalli, Gantyada (M),
Vizianagaram Dist.

4 Smt. Vaddadi Seshamma, W/o Late Eswara Rao,
D.No.45-38-13, Jagannadhapuram,
Visakhapatnam-16

5 The Mandal Revenue Officer,
Gantyada (M), Vizianagaram Dist.

6 The Revenue Divisional Officer,
Vizianagaram.

7 The joint Collector,
Vizianagaram.

8 The Dist Collector,
Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the respondents 5 to 8 to hold a proper enquiry by giving notices and an opportunity to the WP and also the respondents 1 to 4 with regard to their rival claims for change of Registry and to mutate their names in the Revenue Records, with regard to Survey.No.270,250/2 and 250/3 of Budathanapalli (V) in Gantyada (M) of Vizianagaram dist, declaring that the report dt:26-3-94 if any sent by the MRO to the RDO., the orders of the RDO., dt:29-3-94 passed in Rc.No.4696/93-H and the orders passed by the 7th respondent on 29-5-94 in Rc.No.2386/94 are all arbitrary, capricious and illegal, and are not binding on any parties, and pass order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.D.RAMALINGA SWAMY

Counsel for the Respondents 1 to 3: Mr.Y.Ashok Raj.

Counsel for the Respondents 5 to 8: GP FOR REVENUE

The Court made the following :

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THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

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WRIT PETITION NO. 19574 OF 1994

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ORDER:-

Heard both the learned counsel. In this writ petition, the petitioner, claiming his right, title and interest in S.Nos. 250/2, 250/3 and 270 of Budzthanapalli village in Gantyada Mandal of Vizianagaram District, is seeking to assail the orders of respondents 6 and 7 rejecting his claim and upholding the claim of contesting respondents herein.

Both the parties claim their exclusive right and also stated to be in possession of the property in question. However, having regard to the nature of the proceedings under R.O.R., it is not open to either of the parties or for this Court, in exercise of powers under Article 226 of the Constitution of India to go into the claims or title as such. It is open to the petitioner to approach the Civil Court for establishing his rights and also such other reliefs which he is entitled to.

Subject to the above, this writ petition is dismissed. No costs.

09—07—2004.

Stv/-

To

1 The Mandal Revenue Officer,
Gantyada (M), Vizianagaram Dist.
2 The Revenue Divisional Officer,
Vizianagaram.
3 The joint Collector,
Vizianagaram.
4 The Dist Collector,
Vizianagaram.

5 Two CCs to the G.P for Revenue, High court Buildings, Hyderabad.

(O.U.T).

6 Two CD copies.

7 One spare copy.